

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-7, 9-14, 16-27, 29, 31-55, and 57-62 are presently active in this case, Claims 1, 4-7, 9, 13, 14, 16-21, 27, 29, 31, 34-37, 39, 40, 45, 53-55, 57, 61, and 62 having been amended and Claims 8, 15, 28, 30, and 56 having been canceled by way of the present Amendment.

The Applicants wish to thank Examiner Wai Sing Louie for the courtesies extended to Applicants' representative, Christopher Ward, during the personal interview.

In the outstanding Official Action, Claims 1-17, 21, 22, 25-29, 31-40, 42, 43, 47, 48, and 50-62 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-61 of copending Application Ser. No. 09/867,549. The Applicants submit that the claims of the present application and the copending application differ significantly in scope, and that the claims of the present application are not obvious in view of Claims 1-61 of copending Application Ser. No. 09/867,549. For example, independent Claim 1 of the present application recites a solid structural support member configured to prevent warping of the base, where the structural support member is elongated along the base in a direction generally parallel to the optical axis. No such feature is recited in the claims of copending Application Ser. No. 09/867,549. Additionally, independent Claim 35 of the present application recites a warping preventing means for preventing warping of the base is provided on the base, where the warping preventing means is solid and is elongated in a direction generally parallel to the optical axis on at least one side of the optical system. No such feature is recited in the claims of

Application Serial No.: 09/867,449
Reply to Office Action dated February 10, 2003

copending Application Ser. No. 09/867,549. Accordingly, the Applicants respectfully request the withdrawal of the provisional obviousness-type double patenting rejection.

Claims 1-4, 9, 13, 16-20, 22-24, 32, 35, 41-44, 46-48, 51, 57, 58, and 61 were rejected under 35 U.S.C. 102(b) as being anticipated by Janssen et al. (U.S. Patent No. 5,570,444). The Official Action indicates that “[w]ith regard to claim 2-34, 36-57, and 59-62, please see the description of record,” and therefore the Applicants presume that the remaining rejections from the previous Official Action remain. Thus, Claims 5-8, 10, 14, 15, 28, 29, 36-39, 50, 53-56, 60, and 62 were rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen et al. in view of Yoshino (U.S. Patent No. 5,924,290). Claims 21, 25-27, 30, 31, 34, 40, 45, and 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen et al. Claims 11, 12, 33, 52, and 59 were rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen et al. in view of Miki et al. (U.S. Patent No. 6,094,515). For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

Claim 1 of the present application recites a solid structural support member configured to prevent warping of the base, where the structural support member is elongated along the base in a direction generally parallel to the optical axis. Additionally, Claim 35 of the present application recites a warping preventing means for preventing warping of the base is provided on the base, where the warping preventing means is solid and is elongated in a direction generally parallel to the optical axis on at least one side of the optical system. The Applicants submit that the Janssen et al. reference does not disclose or even suggest such features.

The Janssen et al. reference describes a method of optically coupling optical fibers to injection lasers. The Official Action cites the plurality of slide members (8) of the Janssen et al. reference for the teaching of the structural support member of the present invention.

However, the Applicants note that the slide members (8) of the Janssen et al. reference are not continuous, but rather have gaps and breaks therebetween such that the slide members (8) are separate structures from one another. To the contrary, Claim 1 of the present application recites a solid structural support member and Claim 35 recites a warping preventing means that is solid. The slide members (8) of the Janssen et al. reference in fact could not be provided as a solid member, since this configuration would prevent the ability of the slide members (8) to slide during assembly of the unit. The Applicants submit that the Janssen et al. reference does not disclose all of the limitations recited in Claims 1 and 35 of the present application.

Additionally, as noted above, the Official Action cites the slide members (8) for the teaching of the structural support member of the present invention. However, contrary to the present invention, *the slide members (8) (as well as blocks 9) are elongated in a direction perpendicular to the axis of the optical fiber (4)*, as is clearly evident from a review of Figure 3. Accordingly, the Janssen et al. reference does not disclose or suggest a structural support member or a warping preventing means that is elongated (i.e. extended or lengthened, as defined by Webster's II, New College Dictionary) in a direction generally parallel to an optical axis, as recited in Claims 1 and 35, respectively. Therefore, the substrate (2) of the Janssen et al. reference is susceptible to warpage along an axis perpendicular to the axis of optical fiber (4).

Furthermore, the Applicants respectfully submit that the Janssen et al. reference does not disclose or suggest the base recited in Claim 1. The Official Action cites blocks (9) as the base and cites substrate (2) as the bottom plate. The Applicants submit that the blocks (9) cannot be cited as the base, since the base defined in Claim 1 of the present application is configured to support the laser diode and at least a portion of the optical system. However, the blocks (9) are not configured to support the laser (3) of the Janssen et al. reference in any manner. The Applicants further submit that substrate (2) of the Janssen et al. reference should not be cited for the teaching of a base, since then no feature exists for a teaching of the bottom plate, which is recited as a separate feature in Claim 1 of the present application.

The Applicants respectfully submit that the Janssen et al. reference does not disclose or suggest the base recited in Claim 35. The Official Action initially cites blocks (9) as the base and cites substrate (2) as the bottom plate. The Applicants submit that the blocks (9) cannot be cited as the base, since the base defined in Claim 35 of the present application is configured to support fastening means and a laser diode. However, the blocks (9) are not configured to support the laser (3) of the Janssen et al. reference in any manner. The Applicants further submit that substrate (2) of the Janssen et al. reference should not be cited for the teaching of a base, since then no feature exists for a teaching of the bottom plate, which is recited as a separate feature in Claim 35 of the present application.

Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 1 and 35.

Claims 2-34 and 36-62 are considered allowable for the reasons advanced for Claims 1 and 35 from which they depend. These claims are further considered allowable as they

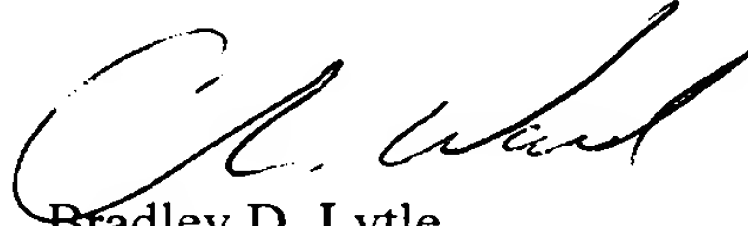
Application Serial No.: 09/867,449
Reply to Office Action dated February 10, 2003

recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claims 1 and 35.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Registration No. 40,073
Attorney of Record

Christopher D. Ward
Registration No. 41,367



22850

Customer Number 22850
Tel. (703) 413-3000
Fax. (703) 413-2220
BDL:CDW:brf
I:\atty\cdw\205469US8\am2.doc